

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

TANAKA BIRDO,

Plaintiff,

V.

BRAD WOLENHAUPT, et al.,

Defendants.

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Civil No. **07-572-JPG**

ORDER

PROUD, Magistrate Judge:

A review of the record reveals that by order dated March 10, 2010, plaintiff was granted leave to file an amended complaint in order to substitute Cissy Burwell as a defendant, in place of the defendant referenced in the complaint as “Nurse Cissy Doe.” (**Doc. 36.**) On March 29, 2010, plaintiff filed an “Amended Complaint,” which contained nothing more than a statement that he was substituting Cissy Burwell for “Nurse Cissy Doe.” (**Doc. 40.**)

Local Rule 15.1 requires an amended complaint to contain all claims the plaintiff intends to pursue, with the “new” or changed material underlined. (**SDIL-LR 15.1.**) Plaintiff obviously misunderstood what the Court wanted in an amended complaint, as the amended complaint contains no claims. Because the proposed amendment is simplistic, and in the interest of time, the Court will strike the amended complaint, but maintain the substitution of Cissy Burwell for “Nurse Cissy Doe on the Court’s docket and with respect to the complaint. The original complaint (**Doc. 1**), as construed in the District Court’s threshold order (**Doc. 9**) shall control.

IT IS THEREFORE ORDERED that plaintiff's amended complaint (**Doc. 40**) is **STRICKEN** for violation of Local Rule 15.1; leaving the original complaint (**Doc. 1**) as plaintiff's controlling pleading.

IT IS FURTHER ORDERED that "Cissy Burwell" shall be substituted for "Nurse Cissy Doe" in the complaint and on the Court's docket.

IT IS SO ORDERED.

DATED: April 30, 2010

s/ Clifford J. Proud
CLIFFORD J. PROUD
U. S. MAGISTRATE JUDGE